

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Amendment of Parts 73 and 74 of the)	MB Docket No. 03-185
Commission's Rules to Establish Rules for Digital)	
Low Power Television, Television Translator,)	
and Television Booster Stations and to Amend)	
Rules for Digital Class A Television Stations)	

REPLY COMMENTS OF VERIZON WIRELESS

Verizon Wireless hereby responds to certain comments filed in the Commission's *Further Notice of Proposed Rulemaking*¹ on the clearing of the 700 MHz band (Out-of-Core Transition Date).

In its comments Verizon Wireless supported the establishment of a specific termination date for LPTV services – September 30, 2011 – because having a specific date would promote the rapid deployment of broadband wireless services such as its 4G LTE network. Some have suggested that no termination date is necessary, but those parties fail to consider the public interest benefits of cleared spectrum to public safety agencies deploying systems on the same frequencies and to commercial entities. Verizon Wireless, for example, has already begun using its 700 MHz spectrum to provide 4G LTE and plans to overlay its entire 3G network with LTE by the end of 2013. We urge the Commission to set a clearing date as soon as possible.

¹ Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations, *Further Notice of Proposed Rulemaking and Memorandum Opinion and Order*, MB Docket No. 03-185, 25 FCC Rcd 13833 (2010)(*Further Notice*). The item refers to Class A TV stations, low power television stations (LPTV), and TV translators as "low power television stations." *Id.* at n.1.

First, parties seeking a longer – or even no – clearing date ignore the fact that LPTV stations have been on notice for more than five years that they would need to move out of the 700 MHz band. As the *Further Notice* details, in 2004, the FCC allowed LPTV stations to continue to operate in channels 52-69 temporarily, on a secondary basis, and established procedures to “ensure that such facilities could be quickly ‘cleared’ when new 700 MHz licensees were ready to begin operations.”² Since commercial operators have made significant progress in deploying their networks and have begun to provide service to customers, the *Further Notice* concludes that “it is now appropriate that the 700 MHz band be cleared of low power television broadcasters, both analog and digital, by a specific date so that new commercial wireless and public safety entities can continue to deploy their services.”³ No party opposing a fixed date has presented facts or data that show the *Further Notice*’s rationale for a fixed date was incorrect.

Second, those incumbent LPTV licensees who argued for longer transition periods or for no transition period at all, asserting that LPTV licensees should be permitted to operate until they cause interference to 700 MHz operations,⁴ ignore the serious potential harms to public safety communications from not requiring a relocation deadline as soon as possible. As the National Public Safety Telecommunications Council (“NPSTC”)⁵ notes, a date certain for clearing is necessary to make the 700 MHz band spectrum fully available for public safety operations use

² *Id.* at ¶¶ 20-21.

³ *Id.* at ¶ 20.

⁴ See Comments of Trinity Broadcasting Network at ¶¶ 3-5; See generally Comments of Island Broadcasting Company.

⁵ The following 15 organizations participate in NPSTC: American Association of State Highway and Transportation Officials; American Radio Relay League; Association of Fish and Wildlife Agencies; Association of Public-Safety Communications Officials-International; Forestry Conservation Communications Association; International Association of Chiefs of Police; International Association of Emergency Managers; International Association of Fire Chiefs; International Municipal Signal Association; National Association of State Chief Information Officers; National Association of State Emergency Medical Services Officials; National Association of State Foresters; National Association of State Technology Directors; National Emergency Number Association; and the National Sheriffs’ Association.

throughout the country. NPSTC believes the proposal is a natural extension of the beneficial policies that resulted in full power television stations vacating the band by June 12, 2009, so public safety and commercial operations can be deployed in the 700 MHz band.⁶ It further notes that, per section 74.23 of the FCC rules,⁷ secondary Broadcast Radio Services such as LPTV services may not cause interference that jeopardizes safety of life or protection of property. The Commission's essential objective to protect public safety communications clearly warrants setting a clearing date sooner, not later.

Third, concerns that consumers will be negatively impacted are overstated and not supported with specific data. As National Public Radio, Inc. ("NPR") noted, "With the completion of the full power digital transition on June 12, 2009, the principal obstacle to a low power television digital transition . . . has now been eliminated. Digital television receivers and analog converters are now in place so that the public is fully capable of viewing over-the-air digital television."⁸

Fourth, some LPTV licensees argue that the cost of relocation is burdensome and that the uncertainty about whether the additional relocations may be required is an insufficient reason to delay the relocation.⁹ However, reimbursement funds are available to many LPTV licensees. As of January 11, 2011, the National Telecommunications and Information Agency reported that it has over \$33.8 million in funds available (from an original total of \$44 million) to help operators of LPTV stations to upgrade to digital broadcast.¹⁰ Reimbursements are available to non-profit corporations *and* LPTV stations that serve a rural area of fewer than 10,000 viewers.

⁶ NPSTC Comments at pages 1-4.

⁷ 47 C.F.R. 74.23

⁸ See Comments of NPR at page 2.

⁹ See Comments of Trinity Broadcasting Network at ¶¶ 3-5; See *generally* Comments of Island Broadcasting Company.

¹⁰ See www.ntia.doc.gov/lptv/upgradeabout.html (visited Jan. 11, 2011).

Accordingly, non-profit stations and stations that serve rural areas – and that claim to serve some of the most economically disadvantaged viewers – have readily available funds to draw upon. Reimbursements can in certain circumstances be as high as \$20,000 per station, with no per licensee cap on reimbursement.¹¹

Fifth, it is speculative for some commenters to argue that as a result of additional rulemakings LPTV stations may be required to relocate a second time. Even if additional relocations are required, such decisions are likely years away. It would be arbitrary and unjustified to hamper the deployment of public safety and commercial 4G LTE networks on 700 MHz spectrum based solely on the chance that some LPTV licensees may have to relocate twice. Such a result would place the needs of a relatively small group of licensees in front of the ability of public safety entities to provide emergency services and commercial entities to provide much needed broadband services to many areas that include rural areas.

In sum, as discussed in Verizon Wireless' comments, an out-of-core transition date of September 30, 2011 will greatly reduce the coordination burden placed on 700 MHz licensees, thus allowing for more rapid deployment of 4G LTE. Further, the arguments made by LPTV

¹¹ *Id.*

licensees clearly do not outweigh the important public interest benefits in unencumbered deployment of public safety networks and 4G LTE networks on the 700 MHz spectrum. A specific deadline should be set, and set soon.

Respectfully submitted,

A handwritten signature in black ink that reads "John T. Scott, III". The signature is written in a cursive style with a horizontal line underneath the name.

John T. Scott, III
Vice President & Deputy General Counsel

Michael Samsock
Counsel

VERIZON WIRELESS
1300 I Street, N.W.
Suite 400 West
Washington, D.C. 20005
(202) 589-3760

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